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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			UBILES, MARIE C	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,283

Applicant(s)

IJAS ET AL.

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/30/05 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/30/01; 1/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to an electronic device housing, classified in class 455, subclass 575.1.
- II. Claims 13-14, drawn to a hinge mechanism, classified in class 379, subclass 446.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the claimed portable electronic device does not particularly require the hinge mechanism comprising an ejector mechanism in the claims of group I, any other type of manual hinge mechanism (such as a hinge-latch mechanism) may provide the same function. The subcombination has separate utility such as a hinge mechanism for a laptop or an electro-domestic appliance.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for Group I is not required for Group II and Group III, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Marcovici on 12/6/04 a provisional election was made with traverse to prosecute the invention of group I, claims 1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-14 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.

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- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

4. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is above 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3-4, 6-7, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3, 6-7, 9 and 12 have several errors that render the claims indefinite. For example, claim 1, in line 17, recites "in such a way that they are...". Claim 3 recites the limitation a "housing-like structure" in line 2. Claim 4 recites the limitation "in that it comprises" in line 2. Claim 6 recites the limitation "when it is closed" in line 3. Claims 6-7 recite the limitations "in its opened..." in line 1 and "the handle-like..." in line 2.. Claim 9 recites the limitation "to protect it." in line 5. Claim 11 recites the limitation "such a joint rotation axis" in line 3. Claim 12 recites the limitation "CMT user interface" in line 2.

Further, the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, in claim 1, line 18, the limitation recites "the third housing part (2) as well...".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-3, 6-8 and 10-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Suso et al. (US 6,069,648), cited by Applicant.

As for claim 1, Suso et al. discloses a portable, foldable electronic device comprising an opened and closed use position (See Fig. 3a and 3b), comprising at least a first housing part (or upper case, 1)(See Fig. 1a-1c) comprising at least an inner wall (as read from the use of "display/operation parts 4 and 5"), a second housing part (or lower case, 5)(See Fig. 1a-1c) comprising at least an inner wall (as read from the use of "display/operation parts 4 and 5"), a hinge mechanism (See elements 6-8a, Fig. 2) arranged to fold the first and the second housing parts in the closed position in relation to each other for a first use position (or "wireless communication using infrared") wherein the inner walls are against each other, remaining between the housing parts (See Fig. 3a and Col. 3, lines 59-65), and in the opened position for a second use position (See Figs. 5b-5d), wherein the inner walls are adjacent to each other, and wherein the device can also be used on the side of the inner walls (See Col. 4, lines 30-56), characterized in that the device also comprises at least a third housing part (or connection part 3, See Fig. 3a-3b), to which the first and the second housing parts are attached by means of said hinge mechanism in such a way that they are simultaneously

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folded in relation to the third housing part as well, when the device is opened and closed (See Fig. 4 and Col. 4, lines 11-23).

As for claim 2-3, Suso et al. discloses a device characterized in that the first and the second housing parts are arranged to move away from the third housing part before opening in opposite, and that the first and the second housing parts are arranged to move away from the third housing part before opening in opposite directions (See Fig. 4 and Col. 4, lines 11-23), and that the first and the second housing parts placed against each other are arranged, upon closing, to partly move inside the third housing part to reduce the outer dimension of the device (See Figs 4, 5a-5b). As for claim 3, it is inherent from Suso's et al. system that the housing parts constitute an "integrated, rigid housing-like structure".

As for claim 6, the limitation regarding the third housing part extending in a direction perpendicular to said inner walls while in an opened position is disclosed by Suso's et al system in Fig. 5d.

As for claims 7 and 11, it may be appreciated in Fig. 4 of Suso's et al. system, that in an opened position the inner walls are in parallel and placed adjacent to each other to form a uniform inner wall (notice state (3) or opening angle of 180 degrees). Further, Fig. 4 discloses that the first and second housing parts are arranged to turn around a joint rotation –as read from the movement at different angles of elements 1 and 2-, from fig. 4 it may be appreciated that the joint rotation axis is placed between the first and second housing parts and in the same plane with inner walls (look, for example, at positions 1 and 3),

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As for claim 8, Suso et al. discloses the system as claimed characterized in that one of the housing parts is provided with electronic image sensor (or camera lens 9) for still and/or video images (See Figs 1a-1c, 5d, 6 and Col. 4, line 47 through Col. 5, line 19).

As for claim 10, the Examiner takes Official Notice that system and methods exists to perform the claimed "hinge system" with an "ejector mechanism". Further, the Examiner believes the device does not particularly require the hinge mechanism comprising an ejector, any other type of manual hinge mechanism (such as a hinge-latch mechanism) may provide the same function.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 4-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Suso et al. (US 6,069,648) in view of Atsuhiko et al. (Publication JP 09-305259), cited by Applicant.

Suso et al. discloses the system as claimed except for the "third housing part" comprising "second electronic means" and "further a set of electronic keys arranged in the third housing part... keys are arranged to control the functions of the device and the information displayed on the display at the same time when the device is held at the third housing part.

Atsuhiko et al. teaches a continuous display screen on Figs 11-12, in Fig. 19 Atsuhiko teaches a third housing part –note the element between elements A and B- that binds the two other housing parts together; the aforementioned third housing part is used as means to support the whole system. Since the display screens are of a continuous nature, one skilled in the art would have find obvious that the thirds housing part comprises "display means". Also, notice that in Figure 12, "electronic keys" are provided along the display screen length, if a user was to hold the system taught by Atsuhiko et al. by the third housing part, as previously explained, then it would have been obvious to one of ordinary skill that a user would be capable of manipulating the electronic keys at the same time the device is hold.

Atsuhiko et al. also teaches that the display may be used for "displaying information, texts and images in at least two different orientations..." (See Figs. 11-13 and 15).

Further, the Examiner believes it would have been obvious to one of ordinary skill in the art to modify Suso's et al. system as per the teachings of Atsuhiko and thus in this manner provide an electronic device in which the display parts may be used as one screen and when they are further opened, can be used for presentations.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suso et al. (US 6,069,648) in view of Britz (US 5,414,444).

Suso's et al. discloses the system as claimed, except for a "turnable camera arm...and a transparent housing for the camera arm and to protect it."

Britz teaches in Figs. 2 and 4, a personal communicator having a "turnable camera arm" (or orientable video imager device 115) and a "transparent housing" to protect the "turnable camera arm" (See Fig. 2, element 135). It would have been obvious to one of ordinary skill in the art to modify Suso's et al. system as per the teachings of Britz, and thus in this manner provide an electronic device in which the the camera could be oriented in a proper manner to accept the desired input image.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suso et al. (US 6,069,648).

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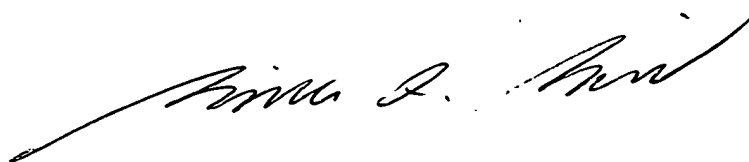
Suso's et al. system teaches two different working interfaces while the device is in the opened position (See, for example Figure 9) and while in the closed position (See Fig. 3a, 10 and Col. 3, lines 59-65), it would have been obvious to one skilled in the art that Suso's et al. system could be adapted to perform other functions besides being a cell phone in a closed position (in Suso's et al. system is used for infrared wireless communication).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles



BING Q. BUI
PRIMARY EXAMINER